

53A-1a-108. School community councils -- Duties -- Composition -- Election procedures and selection of members.

- (1) As used in this section:
 - (a) "Educator" has the meaning defined in Section 53A-6-103.
 - (b) (i) "Parent or guardian member" means a member of a school community council who is a parent or guardian of a student who:
 - (A) is attending the school; or
 - (B) will be enrolled at the school during the parent's or guardian's term of office.
 - (ii) "Parent or guardian member" may not include an educator who is employed at the school.
 - (c) "School employee member" means a member of a school community council who is a person employed at the school by the school or school district, including the principal.
 - (d) "School LAND Trust Program money" means money allocated to a school pursuant to Section 53A-16-101.5.
- (2) Each public school, in consultation with its local school board, shall establish a school community council at the school building level for the purpose of:
 - (a) involving parents or guardians of students in decision making at the school level;
 - (b) improving the education of students;
 - (c) prudently expending School LAND Trust Program money for the improvement of students' education through collaboration among parents and guardians, school employees, and the local school board; and
 - (d) increasing public awareness of:
 - (i) school trust lands and related land policies;
 - (ii) management of the State School Fund established in Utah Constitution Article X, Section V; and
 - (iii) educational excellence.
- (3) (a) Except as provided in Subsection (3)(b), a school community council shall:
 - (i) create a school improvement plan in accordance with Section 53A-1a-108.5;
 - (ii) create the School LAND Trust Program in accordance with Section 53A-16-101.5;
 - (iii) assist in the creation and implementation of a professional development plan; and
 - (iv) advise and make recommendations to school and school district administrators and the local school board regarding the school and its programs, school district programs, a child access routing plan in accordance with Section 53A-3-402, and other issues relating to the community environment for students.
- (b) In addition to the duties specified in Subsection (3)(a), a school community council for an elementary school shall create a reading achievement plan in accordance with Section 53A-1-606.5.
- (c) A school or school district administrator may not prohibit or discourage a school community council from discussing issues, or offering advice or recommendations, regarding the school and its programs, school district programs, the curriculum, or the community environment for students.

(4) (a) Each school community council shall consist of school employee members and parent or guardian members in accordance with this section.

(b) Except as provided in Subsection (4)(c) or (d):

(i) each school community council for a high school shall have six parent or guardian members and four school employee members, including the principal; and

(ii) each school community council for a school other than a high school shall have four parent or guardian members and two school employee members, including the principal.

(c) A school community council may determine the size of the school community council by a majority vote of a quorum of the school community council provided that:

(i) the membership includes two or more parent or guardian members than the number of school employee members; and

(ii) there are at least two school employee members on the school community council.

(d) (i) The number of parent or guardian members of a school community council who are not educators employed by the school district shall exceed the number of parent or guardian members who are educators employed by the school district.

(ii) If, after an election, the number of parent or guardian members who are not educators employed by the school district does not exceed the number of parent or guardian members who are educators employed by the school district, the parent or guardian members of the school community council shall appoint one or more parent or guardian members to the school community council so that the number of parent or guardian members who are not educators employed by the school district exceeds the number of parent or guardian members who are educators employed by the school district.

(5) (a) Except as provided in Subsection (5)(f), a school employee member, other than the principal, shall be elected by secret ballot by a majority vote of the school employees and serve a two-year term. The principal shall serve as an ex officio member with full voting privileges.

(b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be elected by secret ballot at an election held at the school by a majority vote of those voting at the election and serve a two-year term.

(ii) Only parents or guardians of students attending the school may vote at the election under Subsection (5)(b)(i).

(iii) Any parent or guardian of a student who meets the qualifications of this section may file or declare the parent's or guardian's candidacy for election to a school community council.

(iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the election of parent or guardian members of a school community council shall be established by a local school board for the schools within the school district.

(B) An election for the parent or guardian members of a school community council shall be held near the beginning of the school year or held in the spring and completed before the last week of school.

(C) Each school shall establish a time period for the election of parent or guardian members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at least a four-year period.

(c) (i) The principal of the school, or the principal's designee, shall provide notice of the available community council positions to school employees, parents, and guardians at least 10 days before the date that voting commences for the elections held under Subsections (5)(a) and (5)(b).

(ii) The notice shall include:

(A) the dates and times of the elections;

(B) a list of council positions that are up for election; and

(C) instructions for becoming a candidate for a community council position.

(iii) The principal of the school, or the principal's designee, shall oversee the elections held under Subsections (5)(a) and (5)(b).

(iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a secure ballot box.

(d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made available to the public upon request.

(e) (i) If a parent or guardian position on a school community council remains unfilled after an election is held, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(ii) If a school employee position on a school community council remains unfilled after an election is held, the other school employee members of the council shall appoint a school employee to fill the position.

(iii) A member appointed to a school community council under Subsection (5)(e)(i) or (ii) shall serve a two-year term.

(f) (i) If the number of candidates who file for a parent or guardian position or school employee position on a school community council is less than or equal to the number of open positions, an election is not required.

(ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian position remains unfilled, the other parent or guardian members of the council shall appoint a parent or guardian who meets the qualifications of this section to fill the position.

(iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee position remains unfilled, the other school employee members of the council shall appoint a school employee who meets the qualifications of this section to fill the position.

(g) The principal shall enter the names of the council members on the School LAND Trust website on or before October 20 of each year, pursuant to Section 53A-1a-108.1.

(h) Terms shall be staggered so that approximately half of the council members stand for election each year.

(i) A school community council member may serve successive terms provided the member continues to meet the definition of a parent or guardian member or school employee member as specified in Subsection (1).

(j) Each school community council shall elect:

(i) a chair from its parent or guardian members; and

(ii) a vice chair from either its parent or guardian members or school employee members, excluding the principal.

- (6) (a) A school community council may create subcommittees or task forces to:
 - (i) advise or make recommendations to the council; or
 - (ii) develop all or part of a plan listed in Subsection (3).
- (b) Any plan or part of a plan developed by a subcommittee or task force shall be subject to the approval of the school community council.
- (c) A school community council may appoint individuals who are not council members to serve on a subcommittee or task force, including parents or guardians, school employees, or other community members.
- (7) (a) A majority of the members of a school community council is a quorum for the transaction of business.
- (b) The action of a majority of the members of a quorum is the action of the school community council.
- (8) A local school board shall provide training for a school community council each year, including training:
 - (a) for the chair and vice chair about their responsibilities;
 - (b) on resources available on the School LAND Trust website; and
 - (c) on the following statutes governing school community councils:
 - (i) Section 53A-1a-108;
 - (ii) Section 53A-1a-108.1;
 - (iii) Section 53A-1a-108.5; and
 - (iv) Section 53A-16-101.5.

Amended by Chapter 332, 2014 General Session
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